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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,903	08/06/2001	Tomihiko Azuma	048369-0126	8837

22428 7590 11/16/2004

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WASHINGTON, DC 20007

EXAMINER

MAMMEN, NATHAN SCOTT

ART UNIT PAPER NUMBER

3671

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/921,903

**Applicant(s)**

AZUMA, TOMIHIKO

**Examiner**

Nathan S Mammen

**Art Unit**

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/19/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,807,530 to Shub et al. in view of U.S. Patent No. 6,748,366 to Hurwitz et al. and U.S. Patent 6,697,843 to Carlin et al.

The Shub '530 patent discloses a sales and delivery support system. The system is designed for facilitating anonymous transactions. The system comprises a purchaser terminal (301) used by a purchaser, a seller terminal (302) used by a seller, and an agent terminal (303) used by an agent. The terminals communicate via a network. While the Shub '530 patent does not explicitly state that the seller terminal sends product information to the purchaser terminal, such an arrangement is inherent and/or notoriously obvious in the Shub system, since that is the normal manner for carrying out e-retailing. The Shub '530 patent does disclose that the system comprises a second means in which the seller terminal receives from the purchaser terminal information regarding products that the purchaser specifies to order. Col. 6, lines 44-47. The seller terminal then generates purchaser order identification information and sends the purchase order identification information to the purchaser terminal and the agent terminal. Col. 6, lines 49-53. The system comprises a fourth means by which the agent terminal receives purchase order identification information from the purchaser terminal and compares it with the purchase

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order information received from the seller terminal. Col. 6, lines 53-56 (i.e., the customer and merchant communicate with the agent terminal by referencing the order number). The agent terminal sends to the seller terminal delivery order request information to facilitate delivery. Col. 6, lines 56-61. What the Shub '530 patent does not disclose is that the agent terminal is a delivery agent terminal of a specified delivery agent selected by the purchaser. The Hurwitz '366 patent teaches that it is known to provide the agent terminal of an anonymous transaction system as a specified delivery agent terminal. Hurwitz, col. 5, lines 9-12. A purchaser in the Hurwitz system selects a specific single delivery agent for delivery of goods purchased from the seller. Hurwitz, col. 3, lines 39-42 and 50-53. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system of the Shub '530 patent with the agent as a specified delivery agent as taught by the Hurwitz '366 patent, in order to provide a simplified anonymous e-commerce system in which the agent both facilitates the anonymous transaction and handles shipment of the goods.

Neither the Shub '530 nor Hurwitz '366 patent teaches using batch delivery to handle delivery from a plurality of sellers. However, the Carlin '843 patent teaches that it was known to delivery agents to utilize batch delivery to handle the delivery of goods from a plurality of sources. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the sales and delivery support system of the Shub '530 patent with the batch delivery as taught by the Carlin '843 patent in order to benefit from cheaper shipping rates. See Carlin, col. 5, lines 21-29.

***Response to Arguments***

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's particular arguments with respect to the Musgrove reference, note that the Shub system discloses direct interaction between the purchaser and seller. The agent terminal receives purchase order information after the buyer and seller have dealt with each other. Also, as stated above, the Hurwitz '366 patent teaches that the purchaser can select a specific delivery means (e.g., UPS – see col. 4, lines 50-53).

***Conclusion***

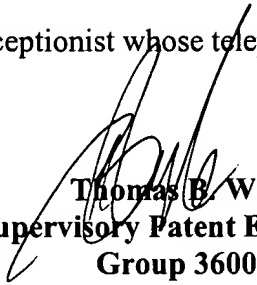
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Pub. No. 2004/0002903 to Stolfo et al. discloses another system for facilitation of anonymous transactions between buyers and sellers. See pages 16-17, paragraphs 181-197.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

**NSM**  
**11/15/04**

**Nathan S. Mammen**